

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STEVE COX and SAMUEL R. MASON,
individually and on behalf of a class of others
similarly situated,

Plaintiffs,

v.

GORDMANS STORES, INC.,

Defendant.

Case No. 4:16-cv-00219-RLW

**JOINT STIPULATION AND MOTION TO
STAY NOTICE PENDING MEDIATION**

Plaintiffs Cox and Mason (“Plaintiffs”), individually and on behalf of a class of all others similarly situated, and Defendant Gordmans Stores, Inc. (“Gordmans”) (collectively, the “Parties”) jointly stipulate and request the Court to stay notice to the putative collective in this matter pending the Parties’ scheduled mediation. In support of this motion, the Parties state as follows:

1. Plaintiffs commenced this litigation on February 17, 2016, asserting a single cause of action for alleged failure to pay overtime wages pursuant to the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.* (Doc. 1.)

2. On November 28, 2016, the Court entered its Memorandum and Order granting Plaintiffs’ Motion for and Memorandum in Support of Conditional Collective Action Certification. (Docs. 40, 46.)

3. The Court’s Memorandum and Order requires Plaintiffs’ counsel to mail and/or email notice to the putative collective members by January 17, 2017.

4. Since the entry of the Court's Memorandum and Order on November 28, 2016, the Parties have engaged in informal settlement discussions and have now agreed to mediate the case on a mutually-agreeable date no later than March 31, 2017, and have tentatively agreed to use well-regarded employment and class and collective action mediator John R. Phillips of Husch Blackwell LLP's Kansas City, Missouri office.

5. The Parties stipulate to and respectfully request that the issuance of notice be stayed pending the outcome of the Parties' mediation before Mr. Phillips. Further, the Parties jointly stipulate to tolling of claims of the putative collective members during the time frame that notice is stayed.

6. The Parties stipulate that, within 10 days of the Parties' mediation, the Parties will file a joint status report regarding mediation with the Court. At that time, if the Parties have failed to reach a settlement agreement in principle, then the Court authorized notice will be mailed and emailed to the putative collective members within 10 days of the Parties' filing of the joint status report regarding mediation.

WHEREFORE, the Parties respectfully request an order of the Court granting the Joint Stipulation and Motion to Stay Notice Pending Mediation; directing the Parties to submit a joint status report regarding mediation within 10 days of the Parties' mediation; staying notice in this matter pending the receipt of the Parties' joint status report regarding mediation; tolling the claims of putative collective members during the pendency of the stay; and, in the event mediation is unsuccessful, authorizing notice to be mailed and emailed to the putative collective no later than 10 days after the Parties' joint status report regarding mediation is filed.

STIPULATION APPROVED AND SO ORDERED:

January 17, 2017

Bonnie L. White

Date:

Hon. Ronnie L. White
United States District Judge

Dated: January 13, 2017

Respectfully submitted,

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